

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EVAN CASEY,

Plaintiff,

v.

CORY KESKE, CHRISTOPHER SHEPHARD,
JASON CHATMAN, MICHAEL JULSON,
and DANIEL NORGE,

Defendants.

ORDER

18-cv-765-jdp

Plaintiff Evan Casey had until January 20, 2020 to respond to defendant Danial Norge's motion for partial summary judgment. I warned plaintiff that that if he failed to respond by that date, I would dismiss his claim against Norge with prejudice for failure to prosecute. Dkt. 37. Casey has not responded, so I will dismiss his claim against Norge with prejudice.

Also before the court is Casey's motion to extend the March 13, 2020 discovery deadline by 90 days. Dkt. 36. Casey says that he needs the extra time so that he can submit additional discovery requests and depose the defendants. But I cannot grant Casey's request for a 90-day extension of the discovery deadline, because there are not 90 days left in the schedule. Trial is set for April 27, 2020, with trial disclosures and motions in limine due March 20. I do not want either party to be surprised by late disclosures of evidence. So Casey should work diligently over the next five weeks to obtain the evidence he needs for trial. If there are specific documents that Casey needs for trial, he should notify defendants as soon as possible. Also, Casey should know that he would be responsible for paying the costs of any depositions that he takes. Under the Federal Rules of Civil Procedure, depositions must be recorded, and

the party requesting the deposition must arrange and pay for the recording. Fed. R. Civ. P. 30(b)(3). The court does not have funds to pay for inmates to take depositions.

To help Casey prepare for trial, I will issue a separate trial preparation order that provides detailed information about how trial works and how Casey should prepare. Casey should review the trial preparation order carefully and notify defendants' counsel or the court if he has specific questions about preparing for trial.

ORDER

IT IS ORDERED that:

1. Plaintiff Evan Casey's claim against defendant Daniel Norge is DISMISSED with prejudice for plaintiff's failure to prosecute. Daniel Norge is DISMISSED from this case.
2. Defendant Daniel Norge's motion for summary judgment, Dkt. 23, is DENIED as moot.
3. Plaintiff's motion to extend the discovery deadline, Dkt. 36, is DENIED.

Entered February 4, 2020.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge